

DOCKET NO. DEP639

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christopher Rogers

Serial Number : 09/998,972 ✓

Filed : October 5, 2004

For : Vertebral Endplate Chisel

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 5, 2004

(Date of Deposit)

Amy Schick

(Name of person mailing)

Amy Schick

(Signature)

October 5, 2004

(Date of Signature)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWINGS

Attention: Official Draftsman

Sir:

In response to the Examiner's request as part of the Notice of Allowability dated 08/05/2004, Applicants herewith submit a replacement set of eight (8) sheets of formal drawings in connection with the above-identified patent application which was filed on October 31, 2004. A copy of the Examiner's request is enclosed.

Please charge any fees which may be required for this submission to Johnson & Johnson Deposit Account No. 10-0750/DEP639/TMD. Three copies of this sheet are enclosed.

Respectfully submitted,

Thomas M. DiMauro

Thomas M. DiMauro
Attorney for Applicants
Reg. No. 35,490

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(508) 880-8401



Application/Control Number: 09/998,972

Art Unit: 3732

Page 2

Examiner Comment**Improperly numbered claims renumbered**

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).


Misnumbered claims 11 (second occurrence) through 44 have been renumbered 12-45.

Drawings

The Drawings filed 03/01/2002 appear in this application's electronic file as being smudged with darkened areas. The examiner acknowledges that the poor quality of the imaged drawings may very well be the fault of the Office, but they are all the examiner has ready access to. A clean copy of the Drawings is requested/required.

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number (703) 308-0770. Fax (703) 872-9306. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Kevin Shaver, can be reached at (703) 308-2582.

R. Lewis
July 30, 2004

BEST AVAILABLE COPY

Ralph A. Lewis
Primary Examiner
AU 3732